REMARKS

1.   This amendment is being filed in response to an Office Action mailed 03/28/2005. in which the Examiner said that claims 1-36 were pending but rejected and that claim 26 was objected to. In this amendment, claims 1, 5, 13, 20, 24, 26, and 30 have been amended, and claims 31-36 have been canceled. A number of reasons given by the Examiner for rejections and objections are overcome by the amendment of claims, while other reasons for rejection are traversed below. This amendment is being filed with a Request for Continued Examination.

Several minor grammatical corrections have been made. In claims 1, 13, and 26, "to appended to" has been changed to "to append to," correcting verb usage.

Claims to which Objections Were Made

2.   The Examiner said that claim 26 was objected to because line 14, recites "said formation," which was assumed to mean "said information." The Applicants agree, with this change having been made herein by amendment.

Claims Rejected under 35 USC §103

3.   The Examiner said that claims 1-4, 13-19, and 26-28 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,026,016 to Gafken in view of U.S. Patent No. 6,088,759 to Hasbun et al.

Regarding claims 1, 13, and 26, the Examiner said that Gafken discloses a number of elements of the claim but fails to disclose overwriting similar parts and appending new parts (of the data). The Examiner further said that Hasbun teaches, in column 5, paragraph 5, through column 6 paragraph 6, that a BIOS

update can be allocated into virtual blocks so that blocks can be updated individually without having to erase the entire memory first.

The Applicants respectfully submit that Gafken and Hasbun, taken separately or in combination, fail to disclose, teach, or otherwise anticipate the requirements of claim 1, as previously amended, for comparing information stored in the protected partition with information stored within the update partition file, for, when a matching portion of the information stored within the protected partition is found to be similar to a portion of the information stored within the update partition file, overwriting the matching portion with the portion of the information stored in the protected partition if space required around the matching portion is sufficient, or for, when a matching portion of the information stored in the protected partition is not found to be similar to a portion of the information stored within the update partition file to append the information stored in the protected partition if space within the protected partition is sufficient. Neither Gafken nor Hasbun mention any processes of this sort.

The teachings of Hasbun, as cited by the Examiner, provide a solution for a granularity problem associated with flash memory, as described particularly in column 6, lines 2-5. On the other hand, the method claim 1 deals with writing information to a hard drive to update a partition therein. Since the hard drive would not have the granularity problem described and solved by Hasbun, the application of the teachings of Hasbun to the method of Gafken cannot be expected to result in the discovery of the method of claim 1.

The Applicants respectfully submit that Gafken and Hasbun, taken separately or in combination, fail to disclose, teach, or otherwise anticipate the requirements of claim 1, as previously amended, for locking the protected partition of a hard drive. Gafkey and Hasbun discuss only particular problems associated with flash

memory. There is no mention of locking or unlocking a partition within a hard drive.

For all these reasons, the Applicants respectfully submit that claim 1 is patentable under 35 USC §103(a) over Gafken in view of Hasbun.

Regarding claims 2-4, since these dependent claims merely add limitations to claim 1, for reasons described above regarding claim 1 the Applicants respectfully submit that claims 2-4 are patentable under 35 USC §103(a) over Gafken in view of Hasbun.

Regarding claims 14-19, since these dependent claims merely add limitations to claim 13, for reasons described above regarding claim 13 the Applicants respectfully submit that claims 14-19 are patentable under 35 USC §103(a) over Gafken in view of Hasbun.

Regarding claim 27 and 28, since these dependent claims merely add limitations to claim 26, for reasons described above regarding claim 26 the Applicants respectfully submit that claims 27 and 28 are patentable under 35 USC §103(a) over Gafken in view of Hasbun

4. In the above-mentioned Office Action, the Examiner said that claims 5, 6, 20, 21, and 33 were rejected under 35 USC §103(a) as being unpatentable over the combination of Gafken and Hasbun in view of Schneier.

Regarding claims 5 and 20, the Examiner said that Schneier teaches providing a random number (password) supplied by a receiver to a sender, in a digital signature of the sender, causing the signature to be undeniable, and therefore secure.

In this amendment, claim 5 is amended to require that the setup password stored in non-volatile storage within the computing system is additionally stored within a database accessed by the trusted server system when a configuration of the computer system is set. Claim 20 previously required that the setup password must be stored within the database accessible to the trusted server, but is herein amended to require that this password must be stored both in the storage of the client computing system and in the database when a configuration of the client computing system is set. Support for these changes is found in the specification as originally filed on page 12, lines 18-21.

The Applicants respectfully submit that Gafken, Hasbun, and Schneier, taken separately or in combination, fail to teach, anticipate, or otherwise describe the requirements of claims 5 and 20 for a setup password to be stored in storage within the computing system and within a database accessible to the computing system when a configuration of the computing system is set. In accordance with the Applicant's invention, these steps are critical for establishing that data has been sent from the trusted server system.

On the other hand, Schneier describes using, as a password in the signature process, a random number transmitted to the sender from the receiver. This method would seriously complicate the process of upgrading a partition by requiring a transmission from the computer system to which the upgrade is being presented.

For the above reasons, the Applicants respectfully submit that claims 5 and 20 are patentable under 35 USC §103(a) over Gafken in view of Hasbun and Schneier.

Furthermore, it is noted that the addition of the teachings of Schneier to those of Gafken and Hasbun in describing the limitations of claims 1 and 13. Therefore,

09/841,503 18

because claims 5 and 20 merely add limitations to claims 1 and 13, respectively, the Applicants respectfully submit that claims 5 and 20 are patentable under 35 USC §103(a) over Gafken in view of Hasbun and Schneier for reasons described above in reference to claims 1 and 13.

5

Regarding claims 6 and 21, since these claims merely add limitations to claims 5 and 20, respectively, the Applicants respectfully submit that, for reasons described above regarding claims 5 and 20, claims 6 and 21 are patentable under 35 USC §103(a) over Gafken in view of Hasbun and Schneier.

10

Regarding claim 33, in this amendment, this claim is canceled, since its limitations have been added to claim 20.

In his rejection of claim 33, the Examiner said that the random number
15   (password) was stored for access, at least temporarily, at the server in order for the server to have used the password to sign the update. However, in the Applicants' method, as now required in claims 5 and 20, the password must be stored at the time of setting the configuration of the computing system, establishing the identity of the server as the trusted server system.

20

5.   In the above-mentioned Office Action, the Examiner said that claims 7, 8, 11, 22, 23, and 29 were rejected under 35 USC §103(a) as being unpatentable over the combination of Gafken and Hasbun and further in view of U.S. Pat. App. No. 2001/0039651 A1 to Hayashi

25

Regarding claims 7, 8, and 11, it is noted that adding the teachings of Hayashi to those of Gafken and Hasbun does not overcome the deficiencies of Gafken and Hasbun in describing the limitations of claim 1. Thus, since these claims merely add limitations to claim 1, for reasons described above in reference to
30   claim 1, the Applicants respectfully submit that, claims 7, 2 and 11 are patentable

under 35 USC §103(a) over the combination of Gafken and Hasbun, further in view of Hayashi.

Regarding claims 22, 23, and 29, it is noted that adding the teachings of Hayashi to those of Gafken and Hasbun does not overcome the deficiencies of Gafken and Hasbun in describing the limitations of claim 13. Thus, since these claims merely add limitations to claim 13, for reasons described above in reference to claim 13, the Applicants respectfully submit that, claims 22, 23, and 29 are patentable under 35 USC §103(a) over the combination of Gafken and Hasbun, further in view of Hayashi.

6.   The Examiner said that claims 9, 10, 24-25, 30-32, and 34-35 were rejected under 35 USC §103(a) as being unpatentable over the combination of Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier.

Regarding claims 9 and 10, it is noted that adding the teachings of Hayashi and Schneier to those of Gafken and Hasbun does not overcome the deficiencies of Gafken and Hasbun in describing the limitations of claim 1. Thus, since these claims merely add limitations to claim 1, for reasons described above in reference to claim 1, the Applicants respectfully submit that, claims 9 and 10 are patentable under 35 USC §103(a) over the combination of Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier.

Regarding claim 24, in this amendment, claim 24 is amended to require that this password must be stored both in the storage of the client computing system and in the database when a configuration of the client computing system is set. Support for these changes is found in the specification as originally filed on page 12, lines 18-21.

The Applicants respectfully submit that Gafken, Hasbun, Hayashi, and Schneier, taken separately or in combination, fail to teach, anticipate, or otherwise describe the requirements of claims 5 and 20 for a setup password to be stored in storage within the computing system and within a database accessible to the computing system when a configuration of the computing system is set. In accordance with the Applicant's invention, these steps are critical for establishing that data has been sent from the trusted server system.

On the other hand, Schneier describes using, as a password in the signature process, a random number transmitted to the sender from the receiver. This method would seriously complicate the process of upgrading a partition by requiring a transmission from the computer system to which the upgrade is being presented.

For the above reasons, the Applicants respectfully submit that claims 24 is patentable under 35 USC §103(a) over the combination of Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier.

Furthermore, it is noted that the addition of the teachings of Hayashi and Schneier to those of Gafken and Hasbun in describing the limitations of claim 13. Therefore, because claims 5 and 20 merely add limitations to claim 13, the Applicants respectfully submit that claim 24 is patentable under 35 USC §103(a) over Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier for reasons described above in reference to claim 13.

Regarding claim 25, since this claim merely adds limitations to claim 24, for reasons described above regarding claim 24, the Applicants respectfully submit that claim 25 is patentable under 35 USC §103(a) over Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier for reasons described above in reference to claim 13.

Regarding claim 30, in this amendment, claim 30 is amended to require that this password must be stored in the storage of the computer system when a configuration of the client computing system is set and that each encrypted element must include a copy of the setup password. Support for these changes is found in the specification as originally filed on page 12, lines 18-21 and page 13, lines 3-5.

The Applicants respectfully submit that Gafken, Hasbun, Hayashi, and Schneier, taken separately or in combination, fail to teach, anticipate, or otherwise describe the requirements of claims 5 and 20 for a setup password to be stored in storage within the computing system and when a configuration of the computer system is set or for a copy of the setup password to be included in encrypted data subsequently transmitted to the computer system. In accordance with the Applicant's invention, these steps are critical for establishing that data has been sent from the trusted server.

On the other hand, Schneier describes using, as a password in the signature process, a random number transmitted to the sender from the receiver. This method would seriously complicate the process of upgrading a partition by requiring a transmission from the computer system to which the upgrade is being presented.

For the above reasons, the Applicants respectfully submit that claims 24 is patentable under 35 USC §103(a) over the combination of Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier.

Furthermore, it is noted that the addition of the teachings of Hayashi and Schneier to those of Gafken and Hasbun in describing the limitations of claim 26. Therefore, because claims 5 and 20 merely add limitations to claim 26, the

09/841,503   22

Applicants respectfully submit that claim 30 is patentable under 35 USC §103(a) over Gafken, Hasbun, and Hayashi, further in view of a combination of Schneier for reasons described above in reference to claim 26.

Regarding claims 31, 32, 34, and 35, these claims are canceled herein.

7.   The Examiner said that claim 36 was rejected under 35 USC §103(a) as being unpatentable over a combination of Gafken, Hasbun, Hayashi, and Schneier, and further in view of a combination of U.S. Patent No. 6,148,387 to Galasso. In this amendment, claim 34 is canceled.

Conclusions:

The Applicants respectfully submit that the application, including claims 1-30, is now in condition for allowance, and that action is respectfully requested, along with reconsideration and withdrawal of all rejections.

Respectfully Submitted,

Ronald V. Davidge

Ronald V. Davidge
June 28, 2005